



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

VIA FEDERAL EXPRESS

March 13, 2008

Dennis Trepanier, Principal
FTR Associates, Inc.
FOIA ex 6, Personal Privacy

Re: EPA's CERCLA Follow-Up to Request for Information dated December 18, 2007

Dear Mr. Trepanier:

On December 18, 2007, the United States Environmental Protection Agency ("EPA") issued an information request to FTR Associates, Inc., pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. Section 9604(e). According to EPA's records, you received the information request on December 19, 2007, and your response to this request was due on January 18, 2008.

As of the date of this letter, EPA has not received any response to the information request. Accordingly, EPA again requests that you comply with the information request enclosed with this letter. Continued failure to comply with EPA's information request, or to adequately justify such failure to respond, may subject you to an enforcement action seeking to compel compliance and collect penalties of up to \$32,500 per day of noncompliance, pursuant to Section 104(e)(5) of CERCLA (42 U.S.C. Section 9604(e)(5)). By enclosing a copy of the initial information request herewith, EPA is not intending to waive its right to seek penalties for your failure to timely respond to the initial request.

Your prompt attention to this matter is appreciated. Please contact Steve Berninger, Assistant Regional Counsel, at (415) 972-3909 if you have any legal questions regarding this matter, or Linda Ketellapper, Enforcement Officer, at (415) 972-3104 if you have any other questions regarding this matter.

Sincerely,

A handwritten signature in dark ink, reading "Thanne Cox", is positioned above the typed name.

Thanne Cox, Chief
Case Development Cost Recovery Section
Superfund Division

cc: Steve Berninger, EPA ORC
Linda Ketellapper, EPA

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

December 18, 2007

Dennis Trepanier, Principal
FTR Associates, Inc.
FOIA ex 6, Personal Privacy

Re: 104 (e) Request for Information - Omega Superfund Site
Real Property at 11862 Burke Street, Santa Fe Springs, CA 90670

Dear Mr. Trepanier:

The United States Environmental Protection Agency ("EPA") is spending public funds to investigate and respond to the release or threatened release of hazardous substances into the soil and groundwater at the Omega Chemical Superfund Site (the "Site"). As part of its investigation EPA is seeking to determine the nature and extent of contamination at the Site, to assess the effects of contamination on the environment and public health, and to identify activities and parties that have or may have contributed to contamination at the Site.

EPA believes that you may have information which may assist EPA in its investigation of the Site. Evidence from groundwater investigations to date suggests that operations at various facilities in the area, including Omega Chemical, may have contributed to groundwater contamination through the use of volatile organic compounds (VOCs); including but not limited to, perchloroethylene (PCE), freons, trichloroethylene (TCE), methylene chloride and 1,1-DCE. Answers to the questions in Enclosure B will provide us some of the information we need for this site investigation.

We request that you provide a complete and truthful response to this Information Request and attached questions (Enclosure B) within thirty (30) calendar days of your receipt of this letter. Under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9604(e), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to:

- (a) The identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility or transported to a vessel or facility.
- (b) The nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a vessel or facility.
- (c) Information relating to the ability of a person to pay for or perform a cleanup.

Please note that your compliance with this Information Request is mandatory. Failure to respond fully and truthfully may result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. §9604(e)(5). This statutory provision authorizes EPA to seek the imposition of penalties of up to \$32,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. §1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

Some of the information EPA is requesting may be considered by you to be confidential. Please be aware that you may not withhold the information upon that basis. If you wish EPA to treat the information confidentially, you must advise EPA of that fact by following the procedures outlined in Enclosure A, including the requirement for supporting your claim for confidentiality.

This request for information is not subject to review by the Office of Management and Budget ("OMB") under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§3502(3), 3507, 3512, and 3518(c)(1). See also 5 C.F.R. §§1320.3(c), 1320.4, and 1320.6(a). Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §§1320.4 and 1320.6(a).

Instructions on how to respond to the questions are described in Enclosure A. Please return your written response to this request for information, signed by a duly authorized official of your company, within **thirty (30) calendar days** of receipt of this letter. Please direct your response to:

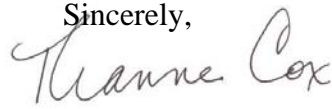
Linda Ketellapper, SFD-7-5
U.S. Environmental Protection Agency, Region IX
Superfund Division
75 Hawthorne Street
San Francisco, California 94105

Your response should include the appropriate name, address, and telephone number for the person to whom EPA should direct future correspondence in regard to this matter on behalf of your company.

If you have questions regarding this information request, please contact Steve Berninger, Assistant Regional Counsel at (415) 972-3909 or Linda Ketellapper, Enforcement Officer, at (415) 972-3104. If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Chris Lichens at (415) 972-3149.

We appreciate and look forward to your prompt response to this information request.

Sincerely,

A handwritten signature in dark ink, appearing to read "Thanne Cox". The signature is fluid and cursive, with the first name "Thanne" written in a larger, more prominent script than the last name "Cox".

Thanne Cox, Chief
Case Development Cost Recovery Section

Enclosures (2)

cc: Steve Berninger, EPA ORC
Linda Ketellapper, EPA

ENCLOSURE A: INSTRUCTIONS AND DEFINITIONS

Instructions:

1. Answer Each Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Enclosure B, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents. Submission of cursory responses when other responsive information is available to the Respondent will be considered non-compliance with this Information Request.
5. Identify Sources of Answer. For each question, identify (see Definitions) all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Sections 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §§9604(e)(7)(E) and (F), and Section 3007(b) of RCRA, 42 U.S.C. §6927(b), and 40 C.F.R. §2.203(b). If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- a. clearly identify the portions of the information alleged to be entitled to confidential treatment;
 - b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
 - c. measures taken by you to guard against the undesired disclosure of the information to others;
 - d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
 - e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
 - f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.
 - g. To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise nonconfidential documents should be clearly identified. You should indicate a date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all nonconfidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope.
 - h. All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claim will be disclosed by EPA only to the extent permitted by CERCLA Section 104(e). If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.
9. Disclosure to EPA's Authorized Representatives. Information which you submit in response to this Information Request may be disclosed by EPA to authorized representatives of the United States, pursuant to 40 C.F.R. 2.310(h), even if you assert that all or part of it is confidential business information. The authorized representatives of EPA to which EPA may disclose information contained in your response are as follows:

Arctic Slope Regional Corp.
EPA Contract Number 68-R9-0101

Department of Toxic Substances Control/California
Environmental Protection Agency

Science Applications International Corporation
EPA Contract Number GS-10F-0076J

CH2M Hill, Inc.
EPA Contract Number 68-W-98-225

Any subsequent additions or changes in EPA contractors who may have access to your response to this Information Request will be published in the Federal Register.

This information may be made available to these authorized representatives of EPA for any of the following reasons: to assist with document handling, inventory, and indexing; or to assist with document review and analysis for verification of completeness; or to provide expert technical review of the contents of the response. Pursuant to 40 C.F.R. §2.310(h), you may submit comments on EPA's disclosure of any confidential information contained in your response by EPA to its authorized representatives along with the response itself, within the thirty (30) calendar day period in which the response is due.

10. Objections to Questions. If you have objections to some or all of the questions contained in the Information Request letter, you are still required to respond to each of the questions.

Definitions:

1. The term “you” or “Respondent” should be interpreted to include the addressee of this Information Request, the addressee's officers, managers, employees, contractors, trustees, successors, assigns and agents.
2. The term “person” shall include any individual, firm, unincorporated association, partnership, corporation, trust, joint venture, or other entity.
3. The term “waste” or “wastes” shall mean and include trash, garbage, refuse, by-products, solid waste, hazardous waste, hazardous substances, and pollutants or contaminants, whether solid, liquid, or sludge.
4. The term “hazardous waste” shall have the same definition as that contained in Section 1004(5) of RCRA.
5. The term “hazardous substance” shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
6. The term “release” has the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment,

including the abandonment or discharging of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant.

7. The term “pollutant or contaminant” shall have the same definition as that contained in Section 101(33) of CERCLA and include any mixtures of such pollutants and contaminants with any other substance including petroleum products.
8. The term “materials” shall mean all substances that have been generated, treated, stored, or disposed of or otherwise handled at or transported to the Site including, but not limited to, all hazardous substances, pollutants or contaminants.
9. The term “documents” includes any written, recorded, computer generated or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control or known by you to exist, including originals, all prior drafts, and all non-identical copies.

ENCLOSURE B: QUESTIONS

1. State the full legal name, address, telephone number, position(s) held by and tenure of the individual(s) answering any of these questions on behalf of FTR Associates, Inc. concerning the facility located at 11862 Burke Street, Santa Fe Springs, CA.
2. Identify and explain the present corporate status (e.g., active, suspended, defunct, merged or dissolved) of your business and any and all of your predecessors, subsidiaries, affiliated businesses or commercial enterprises, including any entity operating or doing business as FTR Associates, Inc., that operates or operated at 11862 Burke Street, Santa Fe Springs, CA, as well as the current and all former business forms used by such entity or entities (e.g., sole proprietorship, general partnership, limited partnership, joint venture or corporation). State the entire time period during which such entity or entities operated under each separate business form.
 - a. Provide the date each entity identified above was incorporated, formed or organized and identify the State in which the business was incorporated, formed or organized. Provide a copy of the Articles of Incorporation, Partnership Agreement, Articles of Organization or any other documentation demonstrating the particular business form, together with any and all amendments, for all business forms under which each entity identified above is or was ever operated.
 - b. Identify all fictitious business names, assumed names or names under which you or any of your predecessors, subsidiaries, operating divisions, plants or branches conducted business at 11862 Burke Street, Santa Fe Springs, CA and identify the time period during which each business operated at 11862 Burke Street, Santa Fe Springs, CA. Provide a copy of the Fictitious Business Name Statement(s) filed with the county in which each entity is or was doing business.
 - c. Identify and explain any and all sales of your company's assets and those of any entity identified in this question and its subparts if the sale represented a sale of all or substantially all of the assets of the business. Identify and explain any investments in another business, company or corporation equating to 5% or more of the business, for each entity identified above, from the formation of each as a business to the date of this letter. Provide all documents governing any transactions you identify in response to this request.
 - d. Identify and explain any and all mergers involving FTR Associates, Inc., or any or all of the entities identified above. Provide all documents governing any merger(s) you identify in response to this request.
3. Identify all current and former business addresses, within the cities of Whittier, California and/or Santa Fe Springs, California, for FTR Associates, Inc. and any of its subsidiaries, operating divisions, plants or branches, and identify the dates and the name or names under which FTR Associates, Inc. and any such subsidiary, division, plant or branch conducts or conducted business at each such address.

4. State whether you are currently operating at 11862 Burke Street, Santa Fe Springs, CA or have ever operated there in the past. If so, identify the dates you operated at 11862 Burke Street, Santa Fe Springs, CA. If you were not the owner of the facility address at any time during your period of operations there, provide a copy of the lease(s), rental agreement(s) or any other document(s) that establish(es) your relationship to 11862 Burke Street, Santa Fe Springs, CA.
5. If you are not currently operating at 11862 Burke Street, Santa Fe Springs, CA, to the best of your knowledge, identify the current operators of 11862 Burke Street, Santa Fe Springs, CA and provide the dates such current operators began doing business at such address. To the best of your knowledge, describe the types of current operations at 11862 Burke Street, Santa Fe Springs, CA. Provide copies of all environmental documents and facility information in your possession regarding current operations at 11862 Burke Street, Santa Fe Springs, CA.
6. To the best of your knowledge, identify any prior operators at 11862 Burke Street, Santa Fe Springs, CA and provide the dates each business operated. To the best of your knowledge, describe the types of operations that occurred at 11862 Burke Street, Santa Fe Springs, CA. Provide copies of all environmental documents and facility information in your possession regarding prior operators.
7. Provide a list of employees who had knowledge of the use and disposal of hazardous substances at the FTR Associates, Inc. facility at 11862 Burke Street, Santa Fe Springs, CA during the entire time period that FTR Associates, Inc., or any of its predecessors, successors, subsidiaries, affiliates, contractors, trustees, assigns or agents, was/were associated with this facility. For each employee listed, provide the following information:
 - a. The employee's full name;
 - b. The employee's current or last known address(es) and telephone number(s), including the last known date on which you believe each address and telephone number was current;
 - c. The employee's Social Security Number;
 - d. Identify the entire time period that the employee worked at the facility; and
 - e. The position(s) the employee held with each business entity during his or her entire period of employment at the facility and the year or years that the employee held each listed position.
8. Identify and explain all of your business operations at 11862 Burke Street, Santa Fe Springs, CA, including such information as the size of the facility, number of employees, dates of operation, product(s) manufactured and a description of the daily activities. Include a historical perspective of all changes in operations over time. In addition,

provide a scaled map of the facility, which includes the locations of significant buildings and features. Indicate the locations of any maintenance shops, hazardous material or waste storage area(s), machine shops, degreasers, liquid waste tanks, clarifiers, chemical storage tanks and fuel tanks. Provide a physical description of the facility and identify the following:

- a. Surface structures (e.g., buildings, tanks, containment and/or storage areas, etc.);
 - b. Subsurface structures (e.g., underground tanks, sumps, pits, clarifiers, etc.);
 - c. Groundwater and dry wells, including drilling logs, date(s) of construction or completion, details of construction, uses of the well(s), date(s) the well(s) was/were abandoned, depth to groundwater, depth of well(s) and depth to and of screened interval(s);
 - d. Past and present stormwater drainage system and sanitary sewer system, including septic tank(s) and subsurface disposal field(s);
 - e. Any and all additions, demolitions or changes of any kind to physical structures on, under or about the facility or to the property itself (e.g., excavation work), and state the date(s) on which such changes occurred; and
 - f. Indicate the location of all waste storage or waste accumulation areas, waste disposal areas, dumps, leach fields, burn pits and any other disposal locations.
9. Have you ever or do you currently use, manufacture, produce, or generate any hazardous substances/materials/waste in the operations at 11862 Burke Street, Santa Fe Springs, CA? If your answer is anything other than an unqualified “no” for the entire period since 1950:
- a. Identify the trade or brand name, chemical composition, and quantity used for each chemical or hazardous substance, and the relevant Material Safety Data Sheet for each product, and its period of use;
 - b. Describe the process in which the hazardous substance is or was used, manufactured, generated or produced (including any current or discontinued processes);
 - c. The location(s) where each chemical or hazardous substance is or was used, stored and disposed of. In addition, identify the kinds of wastes (e.g., scrap metal, construction debris, motor oil, solvents, waste water), quantities and methods of disposal for each chemical or hazardous substance;
 - d. Describe the waste streams from any process in which any such hazardous substance is, or was used, manufactured, generated or produced;

- e. Provide copies of any permits for storage, treatment, or disposal of any waste stream from any process in which any hazardous substance is, or was used, manufactured, generated, or produced;
 - f. Provide copies of all hazardous material business plans and chemical inventory forms (originals and updates) submitted to city, county and/or state agencies; and
 - g. Provide copies of all manifests governing hazardous substances generated by your operations at 11862 Burke Street, Santa Fe Springs, CA.
10. Provide copies of any and all documents evidencing your environmental practices at 11862 Burke Street, Santa Fe Springs, CA, including, but not limited to, documents setting forth your waste management practices and procedures.
11. Provide copies of all technical or analytical environmental information, including, but not limited to, any known releases of hazardous substances to any media (soil, water or air) and any data and documents related to soil, water (ground and surface), geology, hydrogeology, soil sampling, soil gas sampling or air quality on or at 11862 Burke Street, Santa Fe Springs, CA. As part of your response, include any and all letters of enforcement from any regulatory agency concerning operations or events at 11862 Burke Street, Santa Fe Springs, CA and inspection notes, citizen complaints and formal notices of violation.
12. Provide copies of all information and documentation related to approval of any remediation or cleanup activities conducted during your ownership or operations at 11862 Burke Street, Santa Fe Springs, CA.
13. At the time FTR Associates, Inc. first took possession (including possession by lease(s), rental agreement(s) or other document(s)) of 11862 Burke Street, Santa Fe Springs, CA, state whether you were aware of any contamination of such property and describe your efforts at the time to determine if such property had been contaminated or otherwise environmentally impaired. Provide all documentation evidencing your efforts to determine whether such property was contaminated or environmentally impaired at the time you first took possession of it (e.g., Phase I or other due diligence report). Describe the environmental condition of 11862 Burke Street, Santa Fe Springs, CA at the time you first took possession of it. Specifically, describe any contamination and/or hazardous substances, or any evidence suggesting the possible presence of contamination and/or hazardous substances that may have been present at 11862 Burke Street, Santa Fe Springs, CA at the time you first took possession of it.